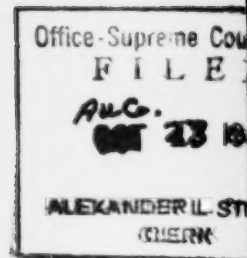


84-609 (1)



No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1984

No. _____

BRYANT R. BRITT,

Petitioner

vs.

UNITED STATES OF AMERICA, et al.,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT AND APPENDIX

BRYANT R. BRITT
252 West 65th Street
Los Angeles, Ca. 90003
(213) 751-4351
Attorney for Petitioner,
In Propria Persona

21PP

QUESTIONS PRESENTED FOR REVIEW

1. Is it constitutional for the Executive Branch to mandate to the several states the persecution of the petitioner as a prerequisite to receive federal aid, to excommunicate him, assault him, immitate his speech pattern, judge his sanity, and to spray his property with radar and banded radio frequencies to prevent him from using it?

2. Does the unjust termination of a citizen from his position as a tenured, public school teacher, and the issuance of a mandate to prevent him from engaging in his second profession as a photographer violate his First Amendment rights of association?

3. Whether a petitioner's rights of association are violated by the respondents having his telephone conversations recorded without his consent, and making them available to the masses for recorded criticism?

4. Whether to have a petitioner shot with radar and banded radio frequencies over a long period of time for the purpose of electronic surveillance to run his blood pressure up, prevent him from sleeping, burn his brain, damage his eyes, damage his connective tissue to the bones, and cause emotional stress constitute violation of the state law of negligence, and the due process clause of the 14-th Amendment to the U.S. Constitution?

5. Is it constitutional for the County Short Doyle Act which requires that every county select someone to react to be employed in an arbitrary and capricious manner?

LIST OF PARTIES TO THE PROCEEDINGS

Mr. Ronald Reagan, president, The Executive Branch, The Office of Management and Budget, The Honorable David A. Stockman, The Department of Health and Human Services, The Honorable George P. Shultz, Dorcas Hardy, Edward N. Brandt, Jr., Vincent T.W. Devita, Jr., James B. Wyngaarden, John A. Svah, Robert L. Trachtenberg, George Deukmejian, Governor, Mario Obledo, Al Loeb, Jim Gentry, The City of Los Angeles, Tom Bradley, Mayor, Drayl Gates, Chief, Joel Wachs, Douglas Ford, The County of Los Angeles, Kenneth Hahn, Harry L. Hufford, The Department of Social Services, Ed. Tanaka, Research Committee On Human Subjects, Sol Roschal, Helen G. Brown, Norman F. Sprague, American Telephone and Telegraph Company, Pacific Telephone and Telegraph Company, R.B. Roche, The Second Baptist Church, Thomas Kilgore, Jr., Stan Elizagary, Mary Elizagary, Albert Newsone, Grace Hicks, Anita Johnson, Montoya Jefferson, J. Harris, Calvin Hart, Mattie Hart, Tracy Williams, and Billy Joe Lucky.

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IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, A.D. 1984

No. _____

BRYANT R. BRITT,

Petitioner

v.

UNITED STATES OF AMERICA, et al.,

Respondents.

**PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT**

Petitioner, Bryant R. Britt, prays that this Honorable Court issue its writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit entered June 29, 1984 which is in conflict with federal law and the Constitution of the United States.

OPINION BELOW

This case was dismissed by the district court on the conclusion of a Magistrate's Report and Recommendation who stated that it would be futile for the petitioner to amend his complaint. The Ninth Circuit has ordered that their decision is not to be used as a point of reference.

JURISDICTION

The jurisdiction of this court is invoked under 28 U.S.C. 1254 (1). Judgment was entered by the Court of Appeals on June 29, 1984.

CONSTITUTIONAL PROVISIONS INVOLVED

Article III of the U.S. Constitution and Amendments I, III, IV, VIII, and XIV. - Encroachment, denial of rights of association, and the due process.

STATEMENT OF THE CASE

Petitioner, a black citizen whose grandfather was alleged to have been an American Indian is the victim of a computerized mass murder plot being funded with public funds as follows:

1. All recipients of government aid in the several states are required to spy on the petitioner, excommunicate him, and assault him for the purpose of inducing stress on him to kill him or destroy his health as a prerequisite to receive federal aid under the state plan for federal reimbursement.

2. Agents of the respondents are required to follow the petitioner over highways, and enter his home with banded radio frequencies to disturb the petitioner for the purpose of driving him berserk.

3. The petitioner has been under electronic surveillance for around the last ten years. His cogitations are being retrieved by radar and computerized to give a print-out as to what he is thinking - (Iran hostage style). Material collected in this manner is distributed to the public to deprive the petitioner of the rights of association.

4. All of the petitioner's telephone and oral conversations are being intercepted and made available for public criticism.

5. Agents of the respondents or those who are sympathetic to the causes of the respondents have been instrumental in the death of five of the petitioner's relatives including his mother and father.

6. The purpose of the harassment against the petitioner is to have the public make a judicial decision against him to determine whether he is crazy.

7. Around December 31, 1981, the petitioner notified the respondents of their negligence, but they have refused to grant the petitioner relief.

8. The district court and the court of appeals have held that the pleader is not entitled for relief because the complaint does not contain a short and plain statement showing that the pleader is entitled to relief.

REASON FOR GRANTING THE WRIT

On motion to dismiss for failure to state a claim upon which relief can be granted, well pleaded allegations of a complaint must be accepted as true and motion must be denied if under any construction of complaint a cause of action is stated.

Moore's Federal Practice Sect. 8.13, page 1653 states that:

"What is a short and plain statement depends, of course on the circumstances of the case. A complaint for conversion, or to recover on a note, can be stated in half a page. An anti-trust action, or an action to enjoin enforcement of unconstitutional statutes, or an interpleaders action, or a stockholder's suite may require more particularity."

In *Pollard v. U.S.*, 384 F. Supp. 304, 151 F. Supp. 487, 69 F.R.D. 646 a similar complaint was filed in the Tuskegee Study and relief was granted.

In *Dugan v. Rank*, 372 U.S. 609, 83 S. Ct. 9999, 10 L. ed. 2d 15 (1956) it was held by the court that unconstitutional governmental actions cannot be shielded through the governments refusal to submit itself to suit.

The decision in *Bolling v. Sharpe*, 74 S. Ct. 693, 347 U.S. 497, 98 L. Ed. 884 has held that the liberty guaranteed and protected by constitutional provisions denotes not only freedom from unauthorized physical restraint, but embraces also the freedom of an individual to use and enjoy his faculties in all lawful ways, acquire useful knowledge, marry, establish a

home, and bring up children, worship god according to his dictates, and live and work where he chooses.

The court held in *Ex Parte Quirin*, 63 S. Ct., 314 U.S. 1, 87 L. Ed. 3 that congress and the president, like the court, possess no power not derived from the constitution.

In *Johnson v. Dye*, C.A. Pa. 175 F.2d 250, 70 S. Ct. 146, 338 U.S. 864, 94 L. Ed. 530; *Home Tel. etc. v. Los Angeles, Cal.*, 33 S. Ct. 312, 227 U.S. 287, 57 L. Ed. 510, it was held that the government and every one of its branches, Departments, agencies, and subdivisions are bound by the prohibitions of the due process guarantees which extend to legislative, judicial, and administrative or executive proceedings.

The Court held in *Mosely v. U.S.*, 588 F.2d 555, 4th Cir. (1976) that the Federal Tort Claims Act provides in Sect. 1346 (b) that in damage actions against the U.S. for personal injury or death caused by negligence or wrongful act or omission, the court is to look to the law of the place where the act or omission occurred.

In *Marbury v. Madison*, 5 U.S. (-Cranch) 137, 154, 2 L. Ed. 60 (1803), the court held that the very essence of civil liberty consists in the right of every individual to claim the protection of the laws whenever he receives an injury. In Great Britain the king is sued in the respectful form of a petition, and never fails to comply with the judgment.

28. U.S.C. Sec. 1331 (a) and 28 U.S.C. Section 1361 (1970) states that the district court shall have original jurisdiction of any action in nature of mandamus to compel an officer or employee of the U.S.A. or any agency thereof to perform a duty owed to the plaintiff.


At this moment, petitioner is being shot with radar and banded radio frequencies to prevent petitioner from typing this case. Petitioner has to sleep with a ground wire around him to prevent petitioner from having a heart attack. Petitioner's floor is wet at this moment for the purpose of a ground. Agents and employees of the respondents claim that they are going to increase whatever Petitioner claims them of doing.

CONCLUSION

The Action against the petitioner is having a dual effect. While it is destroying the petitioner, it is destroying the nation as well. It is producing bedlam in the schools and serving as a mental block to prevent them from learning, driving them to drugs, and turning them into sexual maniacs by destroying their sense of direction. While colleges that base their program on remedial work may prosper from such action, national defense and the nation at large will suffer. It destroys a child to discover that his parents are engaged in murder merely to satisfy their ego; similarly, it destroys the nation to discover that the national government has turned inward and stooped to corruption.

For the foregoing reasons expressed herein, the petitioner respectfully requests the Supreme Court of the United States to issue a writ of certiorari to review and reverse the judgment of the Court of Appeals for the 9th Circuit entered herein on the merits of the case. Experimentation without informed consent constitute negligence. Negligence is the charge which the petitioner has instituted in his complaint. Grant other relief as the petitioner has requested in his complaint.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "B. R. Britt", written over a horizontal line.

BRYANT R. BRITT

Attorney for Respondent

In Propria Persona

252 West 65th Street

Los Angeles, California 90003

(213) 751-4351

This case was received by the clerk of the U.S. Supreme Court on August 21, 1984.

This case was received for the second time by the clerk of the U.S. Supreme Court on September 10, 1984.

AFFIDAVIT OF SERVICE

State of California
County of Los Angeles

The undersigned petitioner declares under the penalty of perjury that on OCTOBER, ELEVEN, 1984, that he mailed copies of the Petition for Writ of Certiorari to each of the following by first class mail:

Solicitor General
Department of Justice
Washington, D.C. 20530

Ira Reiner, City Atty.
200 N. Main Street
Los Angeles, CA 90012

Attorney General
William F. Smith
Department of Justice
Washington, D.C. 20530

Stephen S. Trout
Alan Rubin
U.S. Attorneys
312 N. Spring St.
Los Angeles, CA 90012

Margaret M. Heckler,
Secretary of Health and
Human Services
200 Independence Ave. SW
Washington, D.C. 20201

John H. Larson,
County Counsel
Greg Holland
500 West Temple St.
Los Angeles, CA

David A. Stockman
Office of Management
and Budget
Old Executive Office Bldg.
Washington, D.C. 20503

John Van de Kamp
Attorney General of
State of California
Sacramento, CA

Horvitz and Levy
1600 Ventura Blvd.
Suite 401
Encino, CA 91436

Robert M. Ralls,
Tony R. Skogen and
Robin E. Schlinger
Post Office Box 30571
Los Angeles, CA

Tangalakis and Tangalakis
4262 Overland Avenue
Culver City, CA 90230

Clerk
Supreme Court of the
United States
Washington, D.C. 02543

(40 Copies)

B R Britt
Bryant R. Britt
Atty. In Pro. Per.

APPENDIX

**REPORT AND RECOMMENDATION ON A
CIVIL RIGHTS COMPLAINT**

**IN THE UNITED STATES DISTRICT COURT
For the Central District of California**

BRYANT R. BRITT	:	CIVIL ACTION
	:	
v.	:	
	:	
UNITED STATES OF AMERICA,	:	NO. CV 83-3437
et al.		DWW (JR)

**REPORT AND RECOMMENDATION
JOSEPH REICHMAN
United States Magistrate**

JUNE 20, 1983

This Report and Recommendation is submitted to the Honorable David W. Williams, United States District Judge, pursuant to the provisions of 28 U.S.C. Sec. 636 and General Order 194 of the United States District Court for the Central District of California.

Plaintiff has filed a two million dollar "Civil Rights complaint naming over 40 defendants, including the President of the United States and members of his Cabinet, the Governor of California and the Mayor of Los Angeles, and a variety of official and individuals. Plaintiff alleges that he "is the victim of around forty years of experimentation without informed consent," that a radioactive substance has been placed in his cars, that he has been assaulted "with a deadly weapon to burn his brain", that five of his relatives were murdered "under the U.S. Social Security Law" and that the County and City of Los Angeles "have used their computers" to assault him.

It is apparent that the complaint does not state a claim upon which relief can be granted by this Court. Any attempt to amend the complaint would be futile.

It is **THEREFORE RECOMMENDED** that this Court issue an Order dismissing the action pursuant to Rule 12 (b) (6) of the Federal Rules of Civil Procedure.

DATED: June 20, 1983.

JOSEPH REICHMAN
United States Magistrate

FINAL REPORT AND RECOMMENDATION

(Date: July 13, 1983)

IN THE UNITED STATES DISTRICT COURT

For the Central District of California

BRYANT R. BRITT

v.

**UNITED STATES OF AMERICA,
et al.**

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:
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:
:

**NO. CV 83-3637
DWW (JR)**

FINAL REPORT AND RECOMMENDATION

JOSEPH REICHMAN

United States Magistrate

JUNE 20, 1983

This Final Report and Recommendation and the attached Report and Recommendation are submitted to the Honorable David W. Williams, United States District Judge, pursuant to the provisions of 28 U.S.C. Sec. 636 (b) (1) (B) and General Order 194 of the United States District Court for the Central District of California.

On June 20, 1983, the clerk filed a Notice of mailing of Magistrate's Report and Recommendation and Lodging Proposed Judgment, which was served on the parties, together with copies of the Magistrate's Report and Recommendation.

No objections have been filed.

The Magistrate, having considered the entire record, recommends that the Recommendation be considered final and the proposed judgment be signed.

DATED: July 13, 1983.

JOSEPH REICHMAN
United States Magistrate

**ORDER ADOPTING FINDINGS, CONCLUSIONS
AND RECOMMENDATIONS OF UNITED MAGISTRATE
(Date: July 25, 1983)**

**IN THE UNITED STATES DISTRICT COURT
For the Central District of California**

BRYANT R. BRITT

v.

**UNITED STATES OF AMERICA,
et al.**

:
:
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:
:

**: NO. CV 83-3637
DWW (JR)**

**ORDER ADOPTING FINDINGS, CONCLUSIONS
AND RECOMMENDATIONS OF UNITED MAGISTRATE
DAVID W. WILLIAMS
United States District Judge**

JULY 25, 1983

Pursuant to 28 U.S.C. Sect. 636, the Court has reviewed the pleadings and other papers herein, the attached Report and Recommendation of the Magistrate and approves and adopts the Magistrate's findings, conclusions and recommendations.

It is ordered that judgment be entered dismissing this action.

It is **FURTHER ORDERED** that the Clerk shall serve copies of this Order, the Magistrate's Report and Recommendation and the judgment by the United States mail on the plaintiff and defendants.

DATED: July 25, 1983.

**DAVID W. WILLIAMS
United States Dist.
Judge**

JUDGMENT
(Date: July 25, 1983)

IN THE UNITED STATES DISTRICT COURT
For the Central District of California

BRYANT R. BRITT

v.

UNITED STATES OF AMERICA,
et al.

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:
:
:

: **NO. CV 83-3637**
DWW (JR)

JUDGMENT

DAVID W. WILLIAMS
United States District Judge

JULY 25, 1983

IT IS ADJUDGED that the action is dismissed pursuant to Rule 12 (b) (6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief can be granted.

DATED: July 25, 1983.

DAVID W. WILLIAMS
United States Dist.
Judge

NOTICE OF APPEAL

(Date: August 1, 1983)

IN THE UNITED STATES DISTRICT COURT
For the Central District of California

BRYANT R. BRITT

v.

UNITED STATES OF AMERICA,
et al.

:
:
:
:
:

: NO. CV 83-3637
DWW (JR)

NOTICE OF APPEAL

BRYANT R. BRITT
Attorney for Plaintiff,
In Propria Persona

AUGUST 1, 1983

PLAINTIFF, Bryant R. Britt, hereby appeals the judgment entered in this action on July 28, 1983 to the United States Court of Appeals for the Ninth Circuit, 7th and Mission Street, San Francisco, California.

DATED: August 1, 1983.

BRYANT R. BRITT
Attorney in Pro Per
252 West 65th St.
Los Angeles, CA 90003

MEMORANDUM
(Date: June 29, 1984)

IN THE UNITED STATES DISTRICT COURT
For the Ninth Circuit

BRYANT R. BRITT	:	
	:	No. 83-6123
v.	:	
	:	
UNITED STATES OF AMERICA,	:	NO. CV 83-3637
et al.	:	DWW (JR)

MEMORANDUM
Before: BARNES, HUG, and ALARCON,
Circuit Judges.* **

Appeal from the United States District Court for the Central District of California.
David D. Williams, District Judge, Presiding.

Bryant R. Britt appeals the dismissal of his action pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure for failure to state a claim upon which can be granted. The complaint was properly dismissed because it failed to satisfy the requirement of Rule 8 (a) (2) of the Federal Rules of Civil Procedure that the pleadings contain a short and plain statement showing that the pleader is entitled to relief. *Agnew v. Moody*, 330 F.2d 868, 870 (9th Cir.), Cert. denied, 379 U.S. 867 (1964).

The request of some of the appellees for attorney's fees and cost pursuant to Rule 38 of the Federal Rules of Appellate Procedure is denied. This court is reluctant to impose penalties against a *pro se* litigant who appears to be action in good faith. *Wood V. McEwen*, 644 F2d 797, 802 (9th Cir. 1981) Cert denied. 455 U.S. 942 (1982)

* The panel has concluded that the issues presented by this appeal do not meet the standards set by rule 21 of the Rules of this Court for disposition by written opinion. Accordingly, it is ordered that disposition be by memorandum, foregoing publication in the Federal Reporter, and that this memorandum may not be cited to or by the courts of this circuit save as provided by Rule 21 (c).

** The panel finds this case appropriate for submission without oral argument pursuant to Fed. R. 34 (a) and 9th Cir. R.
